

BRIAN MURPHY, Ph.D., 3-25-09

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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W.A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT, C. MILES TOLBERT)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

4:95-CV-003290-TCK-SAJ
(VOLUME I)

TYSON FOODS, INC., et al.,)
Defendants.)

09:03:16

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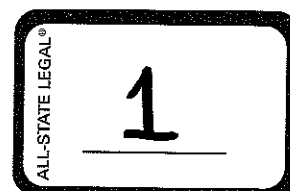
09:03:16

VOLUME I OF THE VIDEO DEPOSITION OF BRIAN
MURPHY, Ph.D., produced as a witness on behalf of
the Defendants in the above styled and numbered
cause, taken on the 25th day of March, 2009, in the
City of Tulsa, County of Tulsa, State of Oklahoma,
before me, Karla E. Barrow, a Certified Shorthand
Reporter, duly certified under and by virtue of the
laws of the State of Oklahoma.

09:03:16

09:03:16

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918-587-2878**



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A P P E A R A N C E S

FOR THE PLAINTIFF:	MR. DAVID PAGE	
	Attorney at Law	
	502 West 6th Street	09:03:16
	Tulsa, OK 74119	09:03:16
FOR CARGILL:	MS. THERESA N. HILL	
	MR. JOHN TUCKER	
	Attorney at Law	
	100 West 5th Street	
	Suite 400	
	Tulsa, OK 74103	
	and	
	MS. MELISSA COLLINS	09:03:16
	Attorney at Law	09:03:16
	1700 Lincoln Street	
	Suite 3200	
	Denver, CO 80203	
FOR GEORGE'S:	MR. JAMES GRAVES	
	Attorney at Law	
	221 North College	
	Fayetteville, AR 72701	
		09:03:16
FOR SIMMONS:	MR. JOHN ELROD	09:03:16
	MS. VICKI BRONSON	
	(Via Telephone)	
	Attorney at Law	
	211 East Dickson Street	
	Fayetteville, AR 72701	
VIDEOGRAPHER:	MR. DEREK ANDERSON	
ALSO PRESENT:	DR. ROGER OLSEN	09:03:16

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1 to the area that's now known as the Illinois River
2 watershed?

3 A I don't have any recollection, no.

4 Q Did you perform sampling and analysis of
5 poultry waste from Cargill farms? 12:14:11

6 A I have not.

7 Q Poultry litter from Cargill farms?

8 A I have not.

9 Q Turkey feces from Cargill farms?

10 A I have not. 12:14:17

11 Q And would the same questions be no with regard
12 to poultry litter, feces or waste from the farms of
13 the other defendants?

14 A I have not done any sampling in this case.

15 Q Did you do any investigation as to where 12:14:27
16 poultry litter is disposed of in the IRW from the
17 poultry farms?

18 A Well, I looked at maps for the two Cargill
19 growers, which, as I recall, Randy O'Boyle pointed
20 out to me where he thought there were -- there had 12:15:09
21 been poultry litter disposal.

22 Q Who is Randy O'Boyle?

23 A He's our GIS person.

24 Q And how did he determine where poultry litter
25 disposed -- I guess it was poultry litter disposal 12:15:13

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1 that lead to those two Cargill farms that were
2 sampled by Dr. Olsen?

3 A Yes.

4 Q How did Mr. O'Boyle determine where poultry
5 litter was disposed of from those two farms? 12:15:20

6 A I do not know.

7 Q Did he identify it for you someplace on a map?

8 MS. COLLINS: Object to form.

9 A He showed me a map, yes.

10 Q (By Mr. Page) Do you know what information 12:15:25
11 Mr. O'Boyle used in order to come to those
12 conclusions as to locations of poultry litter
13 disposal?

14 A I do not.

15 Q Do you know how many Cargill farms, either 12:16:01
16 company owned or independent contractor farms, there
17 are within the IRW watershed?

18 A The number I used in my report was 35.

19 Q And where did you receive that?

20 A I'm thinking it probably was from Cheryl Law. 12:16:11

21 Q Do you know where she got that information?

22 A I do not.

23 Q Did you do any investigation as to the
24 locations where poultry litter from the other 33 or
25 so Cargill farms within the IRW have been disposed? 12:16:21

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1 A Only to the extent of identifying locations in
2 surface water and groundwater and so on that are
3 downstream or downgradient from the Cargill growers.

4 Q But you don't know whether or not the litter
5 from those particular growers was actually disposed 12:17:02
6 of in the location where their barns are located;
7 correct?

8 MS. COLLINS: Object to form.

9 A I have not investigated that.

10 Q (By Mr. Page) So you don't know? 12:17:06

11 A I don't know if the litter was used on the
12 farm where the poultry was being grown or whether it
13 was taken off-site, I don't know.

14 Q Would that be important in your evaluation as
15 to whether or not Cargill farms are impacting 12:17:17
16 certain segments of water and groundwater within the
17 IRW?

18 MS. COLLINS: Object to form.

19 A If we were to start all over and do a proper
20 study, that would be one factor. 12:17:23

21 Q (By Mr. Page) Did you do any investigation as
22 to when poultry litter is disposed of within the
23 IRW?

24 MS. COLLINS: Object to form.

25 MR. PAGE: What's wrong with the question? 12:18:04

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